



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO. 435 OF 2024

1. **Sainaji Pundlikrao Kadam**
(father in law)
Aged about 57 years,
Occupation : Agriculturist,
R/o Chondhi, Post, Jarikot
Tah. Dharmabad
Dist. Nanded
2. **Radhabai w/o Sainaji Kadam**
(mother in law)
Aged about 56 years,
Occ.: Housewife,
R/o Chondhi, Post. Jarikot,
Tah. Dharmabad, Dist. Nanded
3. **Gajanan s/o Sainaji Kadam**
(Brother in law)
Aged about 35 years,
Occu.: Business,
R/o Moudha Road,
Dharmabad, Dist. Nanded
4. **Manju w/o Balu @ Sainath**
Narwade (Sister-in-law)
Aged about 31 years,
Occ. Housewife
R/o Godapur (Mandal Kuber)
Dist. Nirmal (Telangana).
5. **Balu @ Sainath s/o Shankarao**
Narwade
(Husband of sister in law)
Aged about 35 years,
Occ. : Service,
R/o Godapur (Mandal Kuber)
Dist. Nirmal (Telangana).

APPLICANT

// V E R S U S //

1. **The State of Maharashtra,**
Through the Police Station Officer,
Police Station Umarkhed,
Tah. Umarkhed
District Yavatmal
2. **Sau. Dr. Jyoti Mahesh Kadam**
Aged about 32 years,
Occ.: Doctor,
R/o C/o Prakash Haribhau Shinde
Dayanand Colony, Umarkhed,
Tah. Umarkhed, Dist. Yavatmal

NON-APPLICANTS

Mr V.N. Patre, Advocate for the applicants.
Ms Sneha Dhote, APP for non-applicant No.1/State.
Mr. S.U. Nemade, Advocate for non-applicant Nos.2.

CORAM : URMILA JOSHI PHALKE, J. AND
NANDESH S. DESHPANDE, JJ.
DATED : 30.09.2025

ORAL JUDGMENT : (PER : URMILA JOSHI PHALKE, J.)

1. Heard.
2. **ADMIT.** Taken up for final disposal with the consent of
learned counsel for the parties.
3. The present application is preferred by the applicants
for quashing of the First Information Report bearing No.815/2023
registered for the offences punishable under Sections 109, 498-A,

504 and 506 read with 34 of the Indian Penal Code (for short, 'I.P.C.').

4. Crime is registered on the basis of the report lodged by informant-non applicant No.2 on an allegation that her marriage was performed with Dr. Mahesh Senaji Kadam on 06.02.2022. After marriage she resumed cohabitation. It is alleged by her that the entire expenses are incurred by her parents in the said marriage and she stayed along with applicants till 10.07.2022. As per her allegation, her husband used to threaten her that he will kill her and abused and was ill-treating her for various reasons. It is further alleged that applicant No.1 father-in-law, her mother-in-law ill treated her by saying that she is not good looking and if the marriage would have been performed with the other girl, they would get the better amount towards dowry. The allegation is also levelled against brother-in-law and sister-in-law that they were instigated her husband for ill-treating the informant. On the basis of the said report, police have registered the crime against the applicants.

5. Heard learned counsel for the applicants who submitted that only omnibus and general allegations are levelled against present applicants. He submitted that after marriage the informant and husband of the informant were residing at Calcutta whereas other applicants were residing at their native place Dharmabad District Nanded. He invited our attention towards the recitals of the FIR and submitted that no specific instances are given, only omnibus and general allegations are levelled against the present applicants. Therefore, offence is not made out against the applicants. In view of that the FIR be quashed.

6. Learned APP strongly opposed for the same and submitted that there are specific allegations levelled against applicants. Thus, prima-facie case is made out against present applicant. In view of that, application deserves to be rejected.

7. Learned counsel for the non-applicant No.2 also reiterated and endorsed the same contentions and submitted that as far as in-laws are concerned specific allegations are levelled against them. On their instigations the husband was ill-treating the

informant. He further submitted that if FIR is quashed, it would adversely affect the other proceedings also and therefore, the application deserves to be rejected.

8. On hearing both the sides and perused the recitals of the FIR. Applicants are concerned, who are in-laws against whom the general and omnibus allegations are levelled. No specific instances are narrated by the informant as far as the applicants are concerned. Considering the nature of the allegations, admittedly no particulars of such demands have been given by the informant in the FIR. It is also not clarified as to when such demand was raised and what type of instigation was there.

9. At this stage reference can be made to Section 498-A of the Indian Penal Code (for short, 'I.P.C.') which read as under:

498-A. Husband or relative of husband of a woman subjecting her to cruelty.—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.—For the purpose of this section, “cruelty” means—

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.”

10. The careful scrutiny of the FIR shows that the statements as far as allegations against present applicants are concerned which are general nature and therefore reference can be given to the observations made by the Hon'ble Apex Court in the case of ***Preeti Gupta & Another vs State Of Jharkhand & Another*** reported in ***(2010) 7 SCC 667*** wherein Apex Court observed in paragraph Nos.30, 32 and 34 as under:-

“30. It is a matter of common knowledge that unfortunately matrimonial litigation is rapidly increasing in our country. All the courts in our country including this Court are flooded with matrimonial cases. This clearly demonstrates discontent and unrest in the family life of a large number of people of the society.

32. It is a matter of common experience that most of these complaints under Section 498-A IPC are filed in the heat of moment over trivial issues without proper deliberations. We came across a large

number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment is also a matter of serious concern.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualised by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relatives.

11. In another case ***Kahkashan Kausar @ Sonamand ors. vs The State Of Bihar and ors.*** reported in ***2022 (6) SCC 599*** the Supreme Court after taking various decisions rendered by the Supreme Court in the subject matter observed in paragraph No.17 as under:-

“The above-mentioned decisions clearly demonstrate that this court has at numerous instances expressed concern over the misuse of Section 498-A of the IPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them.”

12. Similarly, in the case of ***Sushilkumar Sharma Vs. Union of India and others***, reported in **(2005)6 SCC 281**, the Supreme Court observed in para. 19 as under:-

“19. The object of the provision is prevention of the dowry menace. But as has been rightly contended by the petitioner many instances have come to light where the complaints are not bona fide and have been filed with oblique motive. In such cases acquittal of the accused does not in all cases wipe out the ignominy suffered during and prior to trial. Sometimes adverse media coverage adds to the misery. The question, therefore, is what remedial measures can be taken to prevent abuse of the well-intentioned provisions. Merely because the provision is constitutional and intra vires, does not give a licence to unscrupulous persons to wreak personal vendatta or unleash harassment. It may, therefore become necessary for the legislature to find out ways how the makers of frivolous complaints or allegation can be appropriately dealt with. Till then the courts have to take care of the situation within the existing framework. As noted above the object is to strike at the roots of dowry menace. But by misuse of the provision a new legal terrorism can be unleashed. The provision is intended to be used as a shield and not as as assassin’s weapon. If the cry of “wolf” is made to often as a prank, assistance and protection may not be available when the actual “wolf” appears. There is no question of the investigating agency and courts casually dealing with the allegations. They

cannot follow any straitjacket formula in the matters relating to dowry tortures, deaths and cruelty. It cannot be lost sight of that ultimate objective of every legal system is to arrive at the truth, punish and guilty and protect the innocent. There is no scope for any the preconceived notion or view. It is strenuously argued by the petitioner that the investigating agencies and the courts start with the presumptions that the accused persons are guilty and that the complainant is speaking the truth. This is too wide and generalised a statement. Certain statutory presumptions are drawn which again are rebuttable. It is to be noted that the role of the investigating agencies and the courts is that a watchdog and not of a bloodhound. It should be their effort to see that an innocent person is not made to suffer on account of unfounded, baseless and malicious allegations. It is equally undisputable that in many cases no direct evidence is available and the courts have to act on circumstantial evidence. While dealing with such cases, the law laid down relating to circumstantial evidence has to be kept in view.”

13. The Hon'ble Apex Court has also taken into consideration the recurring tendency of implicating all the family members in such type of the crime. In the case of ***Dara Laxmi Narayana Vs. State of Telangana*** reported in ***Manu/SC/1309/2024*** wherein it is held that Family

members of the husband ought not to be unnecessarily roped into criminal proceeding arising out of matrimonial discord. The Court observed that it has become a recurring tendency to implicate every member of the husband's family, irrespective of their role or actual involvement merely because a dispute has arisen between the spouses. It was further held that where the allegations are bereft of specific particulars, and particularly where the relatives, sought to be prosecuted are residing separately or have had no connection with the matrimonial home, allowing the prosecution to proceed would amount to an abuse of the process of law.

14. Keeping in view the above said observations we find that this is a fit case to exercise our jurisdiction under Section 482 of the Cr.P.C. and to quash and set aside the proceedings as against the present applicants, who are the in-laws against whom general and omnibus allegations are levelled. In view of that and considering the guidelines issued by the Hon'ble Apex Court, there is reason to believe that the present FIR and criminal proceeding is an abuse of

process of law as far as present applicants are concerned and we are therefore, inclined to exercise our jurisdiction under Section 482 of Cr.PC and proceed to pass following order:-

ORDER

(i) The Criminal Application is allowed.

(ii) First Information Report in connection with crime No.815/2023 dated 24.12.2023 registered for the offences punishable under Sections 109, 498-A, 504 and 506 read with Section 34 of the Indian Penal Code is hereby quashed and set aside against applicants.

15. The criminal application stands disposed of.

Pending application, if any, also stands disposed of.

[NANDESH S. DESHPANDE, J] [URMILA JOSHI PHALKE, J.)